

JUDGE BATTIS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FAISAL SHAIBU,

Plaintiff,

-against-

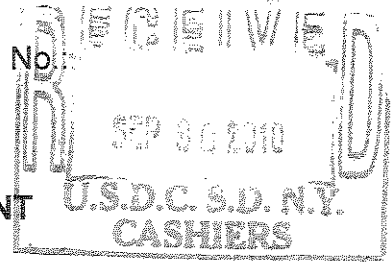
ACCOUNTS RECEIVABLE MANAGEMENT, INC.

Defendant(s).
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Civil Action No. _____

COMPLAINT

DEMAND FOR JURY TRIAL



Plaintiff FAISAL SHAIBU ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant ACCOUNT RECEIVABLE MANAGEMENT, INC., hereinafter referred to as Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, residing at 5 Metropolitan Oval, Bronx, N.Y. 10462.

3. Defendant ACCOUNTS RECEIVABLE MANAGEMENT, INC. is a New Jersey corporation with its address at 155 Mid Atlantic Parkway, Thorofare, N.J. 08086.

4. ACCOUNTS RECEIVABLE MANAGEMENT, INC. is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a(6).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. The Plaintiff on August 6th, 2010 called to the Defendant and spoke to a debt collector.

9. The Plaintiff asked the Defendant about a letter he received concerning an alleged debt to Premier Bank Card, Inc. In response the Defendant informed the Plaintiff that the Premier Card was no longer with them, but that they had a Bank of America account. The Plaintiff had no knowledge of such an account and this was the first time he had been informed of it.

10. The Defendant stated:"Looks like this was transferred actually today we received this from Bank of America."

11. The Defendant failed to send the Plaintiff within five days the required validation notice under USC §1692g(a) and thereby violated the Plaintiff's rights.

12. The Defendant further violated 15 USC §1692e –preface and e(10) when the Plaintiff called to the Defendant on August 18th, 2010 and spoke to a debt collector. The Plaintiff asked the defendant if they had sent him a letter concerning the Bank of America account. In response the Defendant gave a confusing, misleading, and deceptive

answer: "No sir, the Bank of America account it's ah, it's been in our office since August 4th of 2009."

13. The Defendant further stated: "No sir" in response to the Plaintiff's question whether they received any new accounts for him in August, 2010. The combined above contradicting answers violated 15 USC §1692e –preface and e(10) by using false, misleading and deceptive representations in connection with the collection of a debt.

14. The Defendant further violated 15 USC §1692e (11) in the August 18th, 2010 conversation by failing to provide the required disclosures identifying themselves as debt collectors.

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

15. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "14" herein with the same force and effect as if the same were set forth at length herein.

16. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692e(11), 15 USC §1692e – preface and e(10), and 15 USC §1692g(a)..

17. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

SECOND CAUSE OF ACTION
(Violations of N.Y.S. Gen Bus. §349 (a) Deceptive Practices and Acts)

18. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "17" herein with the same force and effect as if the same were set forth at length herein.

19. Defendant's debt collection efforts violated New York State General Business Law §349 Deceptive Acts and Practice.

DEMAND FOR TRIAL BY JURY

20. Plaintiff FAISAL SHAIBU hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff FAISAL SHAIBU demands judgment from the Defendants as follows:

A. For actual damages provided and pursuant to 15 USC §1692k(a)(1); and to New York State General Business Law §349(h) Deceptive Acts and Practice

B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A); and New York State General Business Law §349 (h) Deceptive Acts and Practice.

C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);

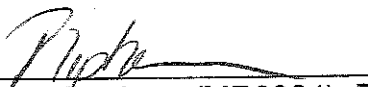
D. For attorneys' fees and costs provided and pursuant to 15 USC §1692k(a)(3); and pursuant to New York State General Business Law §349 (h) Deceptive Acts and Practice.

E. A declaration that the Defendant's practices violated the FDCPA; and the New York State General Business Law §349 Deceptive Acts and Practice.

F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
September 27, 2010

Respectfully submitted,

By: 
M. Harvey Rephen, (MR3384), Esq.
M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582

Attorney for the Plaintiff Faisal Shaibu

To: ARM, Inc.
155 Mid Atlantic Parkway
Thorofare,, N.J. 08086

(Via Prescribed Service)
Clerk,
United States District Court, Southern of New York
(For Filing Purposes)

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